

Supreme Court of the United States

Professor Dave White

1 First Street, NE

cctruth.org

Washington, DC 20543

thelawisyourattorney.com

salmonprotectiondevice.com

John G. Roberts, Jr., Chief Justice of the United States

Chief Justice, Mary H. Murguia (th
Circuit Court of Appeals

March 24th, 2025

Complaint of Official Judicial Misconduct

Dear Honorable Justices

You make up what I consider the best Supreme Court ever. This Pro Se Appellant loves and respects virtually every Supreme Court Ruling, to date. Appellant leads a volunteer team consisting of a retired Federal Attorney, well acquainted with federal case law, and an investigative journalist. The latter serves as Legal Editor and helps publicize our findings in the context of actual Court rulings. An inside look at what's really going on the American Court system, if you will. This has emerged not because we have a preconceived axe to grind, but because we reached a point in life where we personally experienced the frustration of justice denied.

In a March 2nd 2025 letter to the Chief Justice of the 9th Circuit Court of Appeals a FOIA request, Appellant is asking for a redacted list of all cases since the year 2000 where the biased, frivolous request is made. Appellant is willing to bet that the vast majority of cases with this request have Pro Se Appellants. If so, this is clearly illegal bias, 1), 2), 3) and 4) and illegal administrative law 5) and Judicial Misconduct.

Five cases in Federal court were illegally dismissed, four of which defendants were in Default. Pro Se Plaintiff filed five complaints with the 9th circuit court these are in the appendix. Each of these dockets was illegally

dismissed as frivolous due to extreme illegal bias (11), 12), 13), 20), 25) and extreme illegal abuse of administrative law by 29).

Appellant has paperwork-dated March 12th 2025 from Scott S Harris Clerk by: Rashonda Garner with a phone number for questions which has been called many times, but no return call. In addition, the main number, option 3 has a message capability, which also promises a return call – a promise that is never honored. As a disabled military vet I'm starting to feel a tad neglected by the very government for which I rendered such devoted service.

If I need to write Writs of Certiorari for the Supreme Court I will ask for these six justices to be removed and charged with well documented multiple counts of felony of Misprision. The fact that all 5 of 5 cases have been illegally dismissed as frivolous proves statistically a pattern of illegal bias (11), 12), 13), 20), 25) (<https://thelawisyourattorney.com/judicial-bias-against-litigants-in-dam-removal-cases/>) against pro se litigants and disregard of the Supreme Court's Loper Bright decision (<https://thelawisyourattorney.com/loper-bright-enterprises/>). In four of five dockets Appellees were in default and abandoned the pleadings by not filing a timely response.

Appellant should have prevailed automatically with a Summary Judgment, in accordance with Federal Law. I'm hoping to receive a call from your office at 503-608-7611 regarding these Writs, which would make things much easier for all concerned parties.

As you may know, Pro Se Appellant filed three writs of certiorari in the Supreme Court. One was accepted and the other two were not, due to being a few days late. USCA9 NO. 24-5811, 24-6015 and 24-5275 were all illegally dismissed within two days by the 9th Circuit Court of Appeals. Therefore, Pro Se litigant had three writs due at the same time. Pro Se litigant is not a Vexatious Litigant by definition.

Pro Se litigant had never written a Writ of Certiorari before, and it took all the time to produce one -- USCA9-No. 24-5811 -- which still had errors. Would the Court please grant leniency on the basis of Pagtalunan v. Galaza in which allowance was made for Pagtalunan's lack of legal training.

24-6787

White v. Ashford, et al. Decided Medford, Oregon IFP Pending in COA 2/28/2025 2:03 PM

In this case the federal Court Judge relied on illegal bias (11), 12), 13), 20), 25) and illegal administrative law by 29) Loper Bright to dismiss the case in which Appellees confessed their crime. Oregon State University denied Appellant for two years to complete 22 credits and receive a PhD because of illegal affirmative action by 27), Harvard students vs Harvard faculty. The book they are using for environmental science is a copyrighted chemical engineering text. Our 2nd Edition Environmental science textbook is published here: <https://rosedogbookstore.com/climate-crisis-changed-the-intergovernmental-panel-on-climate-change-reports-are-deliberate-science-fiction-ipcc-cctruth-org/> The opening Appeal compares the chapters of each book to prove that OSU is teaching chemical engineering under the false pretense of the advertised environmental science. The OSU attorney declared that Appellees would not write an answering brief, meaning that Appellant should have won by default under federal law. Other related laws and rulings in it are: 12), 13), 15), 24) and 28). These crimes were ignored as un-adjudicated felony's, requiring that the Justices must be charged with Misprision of Felony 15), due to

premeditated illegal bias 11) 12) 13) and illegal administrative law 27)

24-6799

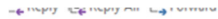
White v. White, et al. Decided Portland, Oregon Due in District Court 2/27/2025 1:04 PM

In my dissolution of marriage the county judge and my ex-wife's attorney colluded to make a final rulings based on none of the case facts and failed to adjudicate 13 felonies which is 15).

On Tuesday, March 25th 2025 in Federal court a complaint against the dishonest and unethical, Judge Bailey.

<https://thelawisyourattorney.com/sample-page/unethical-judge-bailey/>

Moreover, Mr. Shipley, Appellee 4 in 24-6799 (9th Circuit Court of Appeals) the prevaricating attorney, conceded that Plaintiff knows more federal law than he does.





Jim Shipley <jtshipley@qwestoffice.net>

'Dave White'; good4thesoul@gmail.com; 2ndbloomheirloom@gmail.com; David@autodamageexperts.com

RE: file against attorney fees in fake contempt hearing.

You forwarded this message on 2/21/2025 11:27 AM.

Maybe you know federal law, but you certainly are a terrible writer. Your grammar is awful. You should have taken some writing courses when you were in college.

James T. Shipley
Attorney at Law
2233 NE 47th Ave.
Portland, OR 97213
Phone (503)493-8383
Fax (503)493-9666

IMPORTANT/CONFIDENTIAL: This e-mail message (and any attachments accompanying it) may contain confidential information, including information protected by attorney-client privilege. The information is intended recipient(s). Delivery of this message to anyone other than the intended recipient(s) is not intended to waive any privilege or otherwise detract from the confidentiality of the message. If you are not the intended recipient, please do not read, disclose, reproduce, distribute, disseminate or otherwise use this transmission, rather, please promptly notify the sender by reply e-mail, and then destroy all attachments, if any.

Exhibit 1 is the illegal ruling of the Appeals court for A179571. August 9, 2023 Appeals Court erroneous opinion. This is in the Background Section, Appeals Court Failure to Correct Trial Court:

Exhibit 2 Illegal Administrative Law trial court ruling with absolutely no actual case facts!

Exhibit 3 December 9, 2021 settlement proposal of DLC to plaintiff. This proposal would render Appellant destitute. Just like Exhibit 2, this is in the Argument section with subtitle Substantial Similarity in Copyright Law. This exhibit was never in the case. July 26th 2022 dissolution was over and Judge said two to three weeks for a ruling. Four days later Appellee 4 took

exhibit 20 and filed it in the Property tax office. Then walked across the street and gave exhibit 3 to the Judges Clerk. Two hours later the final ruling Exhibit 2 was filed. This is well-documented collusion.

Exhibit 4 D initial dissolution paperwork. This is in the Background Section with subheading of: DLC Four Perjuries. 83% perjury.

Exhibit 5 is the Sept 2017 board meeting of Photolithography.net where Appellee 1 removed herself, and new members were appointed per the bylaws.

Exhibit 6 Photolithography.net corporate bylaws.

Exhibit 7 is information and IRS 1102 corporate filings in 2015 and 2016 where the Artic Fox camper, Lazy Boy chairs and window coverings were written off legally as photolithography.net corporate assets.

Exhibit 8 Well-documented perjury of Tammy Davis.

Exhibit 9 David Smith well-documented perjury with collusion of Jim Shipley per 18 USC 3 accessory after the fact.

Exhibit 10 Ken Nix expert appraisal of Plaintiff's vehicles.

Exhibit 11 well-documented perjury of Julia White the defendant.

Exhibit 12 Correct trial ruling based on all transcripts and exhibits.

Exhibit 13 Ally Invest incorrect illegal split of the IRA.

Exhibit 14 Illegal Writ of Execution.

Exhibit 15 Appellant's budget if paying spousal support to Appellant 1.

Exhibit 16 Limited Judgement which awarded home to Plaintiff equitably.

Exhibit 17 is December 3, 2021 disposition testimony. Appellee 4 was untruthful about this in the dissolution trial.

Exhibit 18 is the equitable splitting of Appellants home.

Exhibit 19 Deposition testimony.

Exhibit 20 Illegal lis pendens.

Exhibit 21 Customer trip for Photolithography.net

Exhibit 22 Release of illegal Lis Pendens on Plaintiffs home.

Exhibit 23 Oregon Supreme Court 2019 Staveland and Fisher. County Judge Keith Raines who Appointed Judge Bailey the marriage Court Judge told me at Rotary about this to use.

After examining this exhibit list, would any reasonable person conclude that this case is frivolous? What else are we to think? Either the judges are too lethargic to make even a cursory examination of the evidence or this is just one more symptom of gender bias that is the dominant factor in virtually all divorce cases in American Courts?

The Justices who, with illegal premeditated bias 11) 12) 13) and illegal administrative law 27), ignored 13 un-adjudicated felony's must be charged with Misprision of Felony 15). The judge in the local case is dishonest and unethical, Judge Bailey.-<https://thelawisyourattorney.com/sample-page/unethical-judge-bailey/>

24-5811

White v. Phillips, et al. Closed Medford, Oregon IFP Pending in COA
12/12/2024 2:37 PM

FERC illegally issued KRRC a permit to take down the Klamath /River dams by cherry picking data. About 80% of local residents didn't want the dams removed, according to scientific polling and voting. FERC is accessory after the fact 3) to KRRC's felonies in killing about 2,000 fish. These un-adjudicated felony's and the Justices who with illegal premeditated illegal bias 11) 12) 13) and illegal administrative law 27) must be charged with Misprision of Felony 15).

24-6015

White v. Dietrich, et al. Decided Medford, Oregon IFP Pending in
COA11/28/2024 8:49 PM

Water watch faked their permits and thus removed the Pomorey Dam near Cave Junction, Oregon, illegally. Now flooding is eminent. At least 10 felonies were committed in this action. Again, these un-adjudicated crimes are Misprision of Felony on the part of the biased judges who dismissed the case for no legal reason.

24-5275

White v. Coffman, et al. Decided Medford, Oregon IFP Pending in
COA11/25/2024 10:58 AM

KRRC killed more than 2000 fish and a herd of elk without permits. KRRC illegally let out 5 million yards of silt from the Iron Gate dam and killed all aquatic life in 120 river miles to the coast. The silt is highly contaminated with over 40 times the epa limit for arsenic and also chromium 6. About 80% of local residents didn't want the dams removed. KRRC's more than two thousand felonies are un-adjudicated. The Justices who ignored these crimes with premeditated illegal bias 11) 12) 13) and illegal administrative law 27) must be charged with Misprision of Felony 15).

To save time, and therefore money, Appellant requests all five dockets to have the illegal dismissal vacated, and the case remanded to the United

States Court of Appeals for the Ninth Circuit for further consideration in light of Loper Bright Enterprises v. Raimondo.

TABLE OF AUTHORITIES

- 1) 18 U.S.C. § 1001 False Statements, Concealment...
- 2) 18 U.S.C. 1621 Perjury

- 3) 18 USC 3 accessory after the fact
- 4) 14 CFR § 47.11 - Evidence of ownership
- 5) FRCP 215. Mandamus
- 6) Federal Rule 902. Evidence That Is Self-Authenticating
- 7) US Copyright law 17.17
- 8) Federal Rule of Civil Procedure Rule 65 restraining order,
- 9) Federal Rule 60. Relief from a Judgment or Order
- 10) Rule 56. Summary Judgment

- 11) 28 U.S. Code § 455 (b), (1)- Disqualification of justice, judge, or magistrate judge.

- 12) Judges Code of Conduct, Canons 2 and 3;
<https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>.

- 13) 28 U.S. Code § 455 (b), (1) Remedy when Judge) has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.

- 14) Oregon Supreme Court Opinion in 366OR49 2019 Marriage of Staveland and Fisher – Division of Marital Assets.

- 15) ORS 34.080.37) 18 U.S.C. 4: “Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.”

- 16) 29 CFR § 1606.8 (1) – Harassment Has the purpose or effect of creating an intimidating, hostile or offensive working environment
- 17) 28 U.S. Code § 4101 The term “defamation” means any action or other proceeding for defamation, libel, slander, or similar claim alleging that forms of speech are false, have caused damage to reputation or emotional distress, have presented any person in a false light, or have resulted in criticism, dishonor, or condemnation of any person.

- 18) Oregon UTCR 5.100 rules for service of court documents

- 19) Federal Rule 8 a 1-3

20) Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002): Pagtalunan as Pro Se made numerous mistakes in filing his complaint resulting in the case being dismissed. However, upon appeal, the higher Court ruled that the lower Court was in error because they did not give allowance for Pagtalunan's lack of legal training.

21) 2021 US Code Title 28 - Judiciary and Judicial Procedure Part I - Organization of Courts Chapter 5 - District Courts Sec. 144 - Bias or prejudice of judge

Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

22) 42 U.S. Code § 12101 Americans with Disabilities Act

23) Article 6 Clause 2 of US constitution. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

24) Law 117 - 58 - Infrastructure Investment and Jobs Act, Executive Order 13990 86 Fed. Reg. 7037 Section 40434a; relating to protecting public health and the environment and restoring science to tackle the climate crisis. However, no climate crisis exists.

Federal Case Law

25) STUDENTS FOR FAIR ADMISSIONS, INC. v. PRESIDENT AND FELLOWS OF HARVARD COLLEGE

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

https://www.supremecourt.gov/opinions/22pdf/20-1199_hgdj.pdf

At Harvard, each application for admission is initially screened by a “first reader,” who assigns a numerical score in each of six categories: academic, extracurricular, athletic, school support, personal, and overall. For the “overall” category—a composite of the five other ratings—a first reader can and does consider the applicant’s race. Harvard’s admissions subcommittees then review all applications from a particular geographic area. These regional subcommittees make recommendations to the full admissions committee, and they take an applicant’s race into account. When the 40-member full admissions committee begins its deliberations, it discusses the relative breakdown of applicants by race. The goal of the process, according to Harvard’s director of admissions, is ensuring there is no “dramatic drop-off” in minority admissions from the prior class. An applicant receiving a majority of the full committee’s votes is tentatively accepted for admission. At the end of this process, the racial composition of the tentative applicant pool is disclosed to the committee. The last stage of Harvard’s admissions process, called the “lop,” winnows the list of tentatively admitted students to arrive at the final class. Applicants that Harvard considers cutting at this stage are placed on the “lop list,” which contains only four pieces of information: legacy status, recruited athlete status, financial aid eligibility, and race. In the Harvard admissions process, “race is a determinative tip for” a significant percentage “of all admitted African American and Hispanic applicants.” UNC has a similar admissions process.

26) WEST VIRGINIA ET AL. v. ENVIRONMENTAL PROTECTION AGENCY ET AL. <https://www.hsph.harvard.edu/news/features/the-supreme-court-curbed-epas-power-to-regulate-carbon-emissions-from-power-plants-what-comes-next/>

The Clean Air Act of 1967 directed the EPA to tackle issues like Acid Rain and other environmental dangers. The Act instructs the EPA to make a “toxic chemicals” list. Anything the EPA wants to regulate must be on that list, Section 111, subsection D. In 2015, the EPA illegally began to regulate “greenhouse gases” without including them on the toxic chemicals list as prescribed by The Clean Air Act. Carbon dioxide and Methane, to name a few, are not toxic chemicals. In fact, every living animal and human being on earth breathes out carbon dioxide. It’s not a toxic chemical.

27) 22–451 June 28th, 2024 Federal Case number 22–451 in Loper Bright Enterprises v. Raimondo and Relentless, Inc. v. Department of Commerce that all courts shall no longer function as administrative law courts.

https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf

Administrative law is illegal and ALL courts must be Article three of the US Constitution. The Chevron doctrine is invalid. Federal and state agencies can no longer cherry pick data for their false agenda. Stare decisis must be vertical to the constitution not lower or sideways. This is because any other case can't be guaranteed to have enough similarities to warrant use unless the Judge and each counsel have read that case transcripts, exhibits and final ruling. Six to three decision. The 22–451 June 28, 2024 U.S. Supreme Court Loper Bright ruling now

forbids this abuse and reverts back to the U.S.

Constitution. Administrative law is illegal and ALL courts convene as

Article three of the US Constitution. The Chevron doctrine is invalid.

Federal and state agencies can no longer cherry pick data for their false

agenda. Stare decisis must be vertical to the constitution not lower or

sideways. This is because any other case can't be guaranteed to have

enough similarities to warrant use unless the Judge and each counsel

have read those case transcripts, exhibits and final ruling in a Six to

Three decision.

Because this is an inferior Court to the U.S. Supreme Court it must limit

itself to stare decisis of case law precedent extending vertically back up

to the U.S. Constitution. Stare decisis is, of course, a doctrine or policy

of following rules or principles laid down in previous judicial decisions

unless they contravene the ordinary principles of justice.

Horizontal stare decisis is unreliable because it can never be guaranteed to be the exact same case with the same history without studying the transcripts and exhibits of the previous case. This is like comparing Apples to Oranges; they are both fruit, but different. This court is therefore, obligated to convene as a Court under Article III of the US Constitution.

Associate Justice, Neil M. Gorsuch wrote an excellent dissertation on the Loper Bright Enterprises v. Raimondo. Associate Justice, Neil M. Gorsuch explained how illegal administrative law crept into the Judiciary and has been made illegal back to the constitution. Associate Justice, Neil M. Gorsuch also explained how the chevron doctrine is illegal and reverts to 2005. Associate Justice, Neil M. Gorsuch also explained how Stare decisis must be vertical to the Constitution and not horizontal or lower. Appellant has read the complete ruling including Associate Justice, Neil M. Gorsuch excellent dissertation.

Remanded Dockets to the United States Court of Appeals for the X (Ninth) Circuit for further consideration in light of Loper Bright Enterprises v. Raimondo. The US Supreme Court is extremely serious about its ruling in Loper Bright Enterprises v. Raimondo. Explained here:

<https://thelawisyourattorney.com/loper-bright-enterprises/>

22-863 DIAZ-RODRIGUEZ, RAFAEL V. GARLAND, ATT'Y GEN.

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Ninth Circuit for further consideration in light of Loper Bright Enterprises v. Raimondo, 603 U. S. ____ (2024).

22-868

BASTIAS, ARIEL M. V. GARLAND, ATT'Y GEN.

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of *Loper Bright Enterprises v. Raimondo*, 603 U. S. ____ (2024).

22-1246

EDISON ELEC. INST., ET AL. V. FERC, ET AL.

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the District of Columbia Circuit for further consideration in light of *Loper Bright Enterprises v. Raimondo*, 603 U. S. ____ (2024).

24–5006. Jason Steven Kokinda, Petitioner v. United States. On petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Motion of petitioner for leave to proceed in forma pauperis and petition for writ of certiorari granted. Judgment vacated, and case remanded to the United States Court of Appeals for the Fourth Circuit for further consideration in light of *Loper Bright Enterprises v. Raimondo*, 603 U. S. ____ (2024).

24–92. Kwok Sum Wong, Petitioner v. Merrick B. Garland, Attorney General. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Petition for writ of certiorari granted. Judgment vacated, and case remanded to the United States Court of Appeals for the Second Circuit for further consideration in light of *Loper Bright Enterprises v. Raimondo*, 603 U. S. ____ (2024).

Plaintiff has read and understands the whole ruling.

28) <https://www.ada.gov/law-and-regs/ada/>

TABLE OF AUTHORITIES ENDS

Appendix

Five Complaints against about Federal Judges filed in the Federal cases for the dockets listed were ~~and~~ sent to the Chief Justice of the 9th Circuit Court of Appeals. These were all ignored by the 9th Circuit Court Justices.

Docket 24-6799 case 3:24-cv-01702-AR

Judicial Council of the Ninth Circuit

COMPLAINT OF JUDICIAL MISCONDUCT

**United States Court of Appeals for the Ninth Circuit Office
of the Circuit Executive**

P.O. Box 193939

San Francisco, CA 94119-3939

1. Name of Complainant: Dave White Pro Se _____
Contact Address: 18965 NW Illahe st _____
Portland, OR 97229 _____
Daytime telephone: (503 _____) 608-7611 ____
2. Name(s) of Judge(s): Magistrate Judge Jeff Armistead, United States
District Judge Amy M. Baggio
3. Court: Portland Oregon Federal court _____
4. Does this complaint concern the behavior of the judge(s) in a particular lawsuit

or lawsuits?

☒ Yes ☐ No

If “yes,” give the following information about each lawsuit:

Court: _____

Case Number: 3:24-cv-01702-AR _____

Docket number of any appeal to the 9th_Circuit:

24-6799 _____

Are (were) you a party or lawyer in the lawsuit?

☒ Party ☐ Lawyer ☐ Neither

If you are (were) a party and have (had) a lawyer, give the lawyer’s name, address, and telephone number:

5. Have you filed any lawsuits against the judge?

☐ Yes ☒ No

9th circuit

6. **Brief Statement of Facts. Judge clearly exhibited illegal bias against Pro Se Plaintiff. Defendants were in default for not responding to the Amended Complaint within 14 days by FRCP 15. Plaintiff immediately filed ECF 11 Memorandum by Rule 55 requesting judge to rule Defendants in default by Federal law. FRCP 5 doesn’t give the Judge any extra time to evaluate an Amended Complaint. The “Speedy Trial” Clause of the Sixth Amendment of the U.S. was intended for just this kind of situation. By extension the principle should apply to the instant case, consonant with The Federal Speedy Trial Act of 1974, which installed the Statutory time limits. The Amended Complaint could easily be read and understood by virtually any person or Judge in a**

2-hour time frame. Of course, most Judges have their clerks do the reading and report to the judge. The Amended Complaint was uploaded to the court on October 15, 2024. Today is November 4, 2024.

7. ***"The court is evaluating whether the Amended Complaint has established that the court has subject matter jurisdiction to hear this lawsuit and a ruling will issue shortly."***

That can only mean that the Judge is searching for case law to justify his decision to support his predetermined decision to dismiss the case, contrary to a plain reading of the Constitution and Federal law made in pursuance thereof. Namely, Federal Rules 3 and 4. Any such use of the law to contravene Article III, Section 2 of the U.S. Constitution and 22–451 June 28th, 2024 Loper-Bright Enterprises. This is flagrant violation of the judge's sworn oath of office to support and defend the Constitution of the United States.

8. ***The court has reviewed plaintiff's Emergency Memorandum in Support, which is titled "Memorandum by Rule 55." The court construes the motion as an emergency motion for entry of default, and it is DENIED. The court is evaluating whether the Amended Complaint has established that the court has subject matter jurisdiction to hear this lawsuit and a ruling will issue shortly. Ordered by Magistrate Judge Jeff Armistead. (png)***

This ruling is in violation of:

22–451 June 28th, 2024 Loper Bright Enterprises v. Raimondo and Relentless, Inc. v. Department of Commerce. https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf

18 U.S. Code § 4 - Misprision of felony

28 U.S. Code § 144 - Bias or prejudice of judge

Judges Code of Conduct, Canons 2 and 3; <https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>.

Article VI, Section 2 Supremacy Clause of the United States Constitution: This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the **Judges in every State shall be bound** thereby, any Thing in the Constitution or **Laws of any State to the Contrary notwithstanding**.

The judge has no authority to DENY anything at this point in the trial under federal law and the Constitution. The federal rule of procedure is crystal clear – the judge must sign after clerk's review and signature.

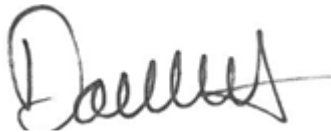
Did this judge not swear allegiance to these very words of in Article VI, Section 2 of the U.S. Constitution? Based on his actions did he not enter into this covenant with the American people with malice aforethought. With some hidden purpose of evasion? Will this go unrequited?

9. None of Plaintiff's clear and compelling evidence was mentioned in the dismissal. It is therefore clear that the judge was made aware of a crime committed or in progress and ignored it, dismissing the case for other trivial reasons by comparison. This makes him culpable for misprision of felony, in principle, if not in fact. Are judges above the law? Are they not required to consider all material evidence in arriving at a final decision or are they free to violate Loper Bright Enterprises at will? Will this callous disregard for the higher law go unpunished, or will justice prevail?
10. On 11/4/2024 the case was illegally dismissed with the same verbiage which caused the amended complaint to be filed. This is clear bias.
- 11.
- 12.
13. The following transaction was entered on 11/4/2024 at 11:16 AM PST and filed on 11/4/2024
14. Case Name: White v. White et al
15. Case Number: 3:24-cv-01702-AR
16. Filer:
17. Document Number: 12(No document attached)
- 18.
19. Docket Text:
20. ORDER:

21. Acknowledgment, declaration and signature;

I understand that even if I successfully prove that the judge engaged in misconduct or is disabled this procedure cannot change the outcome of the underlying case.

I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.



(Signature)_____

12/03/24
(Date)

Case 1:24-CV-1300-MC Docket **24-5787**_

Judicial Council of the Ninth Circuit

COMPLAINT OF JUDICIAL MISCONDUCT

**United States Court of Appeals for the Ninth Circuit Office of the
Circuit Executive**

P.O. Box 193939

San Francisco, CA 94119-3939

22. Name of Complainant: _____
Dave White Pro Se

Contact Address: 18965 NW Illahe st

Portland, OR 97229

Daytime telephone: (503) 608-7611 _____

23. Name(s) of Judge(s): Judge McShane_____

Court: Portland Oregon Federal court_____

24. Does this complaint concern the behavior of the judge(s) in a particular lawsuit or lawsuits?

☒ Yes ☐ No

If "yes," give the following information about each lawsuit:

Court: _____

Case Number: 1:24-CV-1300-MC _____

Docket number of any appeal to the 9th_Circuit: **24-5787**__

Are (were) you a party or lawyer in the lawsuit?

☒ Party ☐ Lawyer ☐ Neither

25. Have you filed any lawsuits against the judge?

☐ Yes

☒ No

9th circuit

26. **Brief Statement of Facts.** The Judge was very biased toward defendants.

In The same way on another case Judge McShane is at it again. In case 1:24-cv-01300-MC on 9/27/2024 The judge said:

09/27/2024	20	Opinion and Order: Plaintiff's Complaint, ECF No. 1 , is DISMISSED without prejudice and with leave to amend. The amended complaint, if any, is due 30 days from the issuance of this Opinion and Order. The Application, ECF No. 2 , is held in abeyance pending the filing of an amended complaint. Signed on 9/27/2024 by Judge Michael J. McShane. (cp) (Entered: 09/27/2024)
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On 10/2/2024 Plaintiff filed the amended complaint. By Federal rule 15 Defendants had 14 days to reply and didn't. Therefore, Plaintiff filed a rule 55, rule 56 and writ of mandamus.

10/02/2024	21	AMENDED COMPLAINT by Federal Rule 15. Expedited Hearing requested. Filed by David White. (White, David) Modified on 10/17/2024 to correct document type from a motion to Amended Complaint, resent NEF (cp). (Entered: 10/02/2024)
10/17/2024	22	Motion for Default Judgment. Filed by David White. (Attachments: # 1 Proposed Order, # 2 Proposed Order) (White, David) (Entered: 10/17/2024)

Defendants legal counsel said this in an email to the court:

Porter, Michael<Mike.Porter@MillerNash.com>

☐ Reply

? Reply all

✓ Forward

▪

To:mcshane_crd@ord.uscourts.gov

Cc:You

Thu 10/17/2024 9:17 AM

Dear Courtroom Deputy for Chief Judge McShane,

We represent defendants in this case. Plaintiff David White is pro se and copied on this email.

We have received the October 17, 2024 filings by White (docket 22). Given the court's consideration of the IFP request described in the minute order of September 17, 2024 (docket 17), and defendants' position on service set forth in their motion to set a response date of August 26, 2024 (docket 9), our impression is the court does not expect any response from defendants. If that impression is incorrect, we will respond, but we did want to check in before expending the resources to do so.

Thank you,

Mike Porter

Michael Porter, P.C.

Partner

Miller Nash LLP

1140 SW Washington St, Ste 700 | Portland, OR 97205

Direct: 503.205.2330 | Cell: 503.577.1325 | Office: 503.224.5858

[Email](#) | [Bio](#) | [Insights](#) | [Website](#)

Judge is Biased because he exhibited a predisposition of his opinion of plaintiff's complaint by the following words and actions

Then this Judge illegally said this.

10/17/2024	23	ORDER: The Motion for Default Judgment 22 is DENIED. The Court is still evaluating Plaintiff's IFP Application 2 and Amended Complaint 21 . He has not been granted leave to proceed, this action has not yet formally commenced with service , and therefore, Defendant does not yet have a duty to appear and defend. Plaintiff is reminded to heed this District's Local Rules as well as the Federal Rules of Civil Procedure prior to filing any other documents. Ordered by Judge Michael J. McShane. (cp) (Entered: 10/17/2024)
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Many other state and federal courts have approved plaintiffs IFP in no time at all. The amended complaint is easy to read and understand and takes less than two hours to read.

What does “held in abeyance pending the filing of an amended complaint.” mean? The case clock stops until the amended complaint is filed.

This is category untrue “He has not been granted leave to proceed, this action has not yet formally commenced with service” Service was completed legally when the complaint was filed

There is nothing legally wrong with ECF 22 and the judge has no legal basis to deny it. This Judge needs to be removed now.

Then on 9/17/24 Judge McShane illegally dismissed the case.

This is a violation of:

22–451 June 28th, 2024 Loper Bright Enterprises v. Raimondo and Relentless, Inc. v. Department of Commerce. https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf

18 U.S. Code § 4 - Misprision of felony

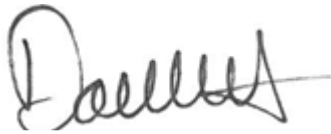
28 U.S. Code § 144 - Bias or prejudice of judge

Judges Code of Conduct, Canons 2 and 3; <https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>.

27. **Acknowledgment, declaration and signature:**

I understand that even if I successfully prove that the judge engaged in misconduct or is disabled this procedure cannot change the outcome of the underlying case.

I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.



(Signature) _____

12/2/24
(Date)

Docket 24-5275 case 3:24-cv-00755-JR

Judicial Council of the Ninth Circuit

COMPLAINT OF JUDICIAL MISCONDUCT

**United States Court of Appeals for the Ninth Circuit Office
of the Circuit Executive**

P.O. Box 193939

San Francisco, CA 94119-3939

28. Name of Complainant: Dave White Pro Se _____

Contact Address: 18965 NW Illahe st _____
Portland, OR 97229 _____

Daytime telephone: (503 _____) 6087611 ____

29. Name(s) of Judge(s): Judge Russo and Judge Nelson _____

Court: Portland Oregon Federal court _____

30. Does this complaint concern the behavior of the judge(s) in a particular lawsuit or lawsuits?

☒ Yes ☐ No

If “yes,” give the following information about each lawsuit:

Court: _____

Case Number: 3:24-cv-00755-JR _____

Docket number of any appeal to the 9th_Circuit:

24-5275_____

Are (were) you a party or lawyer in the lawsuit?

☒ Party ☐ Lawyer ☐ Neither

If you are (were) a party and have (had) a lawyer, give the lawyer's name, address, and telephone number:

31. Have you filed any lawsuits against the judge?

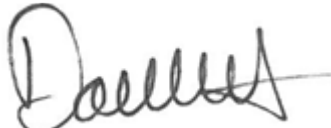
☐ Yes ☒ No

9th circuit

32. **Brief Statement of Facts.** The Judges believed untruthful nonsense of KRRC's attorneys See case docket report below. The final ruling was most likely made by the KRRC attorneys. It was completely one-sided.

33. Acknowledgment, declaration and signature:

I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.



(Signature) _____

10/22/24

(Date)

The overriding, foundational complaint against Judges Russo and Nelson is their failure to convene as an Article III, Section 2 Court of the U.S. Constitution. In violation of the recent Roper decision of the U.S. Supreme Court they used administrative rules in an unlawful manner to cherry-pick data and to override Federal laws under the U.S. Constitution.

They are guilty of mismanaging a case involving senseless, illegal destruction of 4 dams on the Klamath River. These judges ignored overwhelming evidence of a crime in progress and refused to issue a stop-work injunction while the case was being adjudicated. The Klamath River Reclamation Corporation (KRRRC) in conjunction with subcontractor Kiewit Construction were thus allowed to proceed with acts of criminal vandalism depriving local stakeholders of much needed hydro-electric power, irrigation water, flood control, loss of property value, and forest fire containment.

Not to mention vandalism of a fully capitalized productive asset owned by the United States government and protected by federal environmental law, notably the Wild and Scenic Rivers Act. In the process they inflicted incalculable damage on the environment they were allegedly "reclaiming" and Judges Russo and Nelson let them get away with it.

Judges Russo and Nelson permitted Defendants to ignore basic principles of scientific method by excluding overwhelming evidence of the harms they were inflicting on man and environment. This came in the form of two public hearings in Klamath (OR) and Yreka (CA) Counties. Stakeholder testimony was unanimous against removal of the dams, with one doctor in particular reporting that his wife had died due to Chromium poisoning from silt behind the dams and he was receiving a steady stream of patients with similar symptoms. In spite of this, KRRRC cherry-

picked ill-informed, emotional testimony from upstream Native Americans and Judges Russo and Nelson let them get away with it.

A scientific survey of respondents in Klickitat County revealed about 80% opposition to dam removal. The extent of the danger was reported by an in-depth chemical assessment of silt behind the Klamath dams conducted by the Department of the Interior in 2011. That assessment found levels of Arsenic and Chromium 6 at a minimum of 40 times the EPA safe level for human exposure. Mitigation guidelines required sludge water to be released in small increments, but Defendants released it all at one time in January 2024.

Unbelievably, they failed to scrub the silt of toxicity before release, thus killing all aquatic life in 120 River miles between the Iron Gate Dam and the Pacific Ocean, leaving both banks of the river permanently contaminated. Once again, Judges Russo and Nelson were mute in the face of an Exxon-Valdez level environmental disaster and annual flood damage projected at an average \$60,000,000. They allowed trivial administrative procedure to completely blot out case facts screaming for justice. This is unlawful under the Roper decision of the U.S. Supreme Court.

Furthermore, Judges Nelson and Russo ignored all evidence suggesting that there were far less draconian solutions to alleged impedance of fish migration than removing the dams. If fish were in fact being blocked from reaching their spawning grounds, the simple solution was/is to 1) dredge behind the dams, 2) heat scrub the silt on-site, and 3) repair or install fish ladders.

Plaintiff repeatedly called attention to **these** common sense, scientific measures and the evidence, but it was ignored, along with a list of 21 violations of law in the FERC mitigation document. For example, KRRC failed to install fencing resulting in destruction of a herd of elk, and Defendant's confession to killing 2000 fish without a permit, including endangered species was ignored. Is a confession not decisive in a court of law? Here again, judges Russo and Nelson ignored all this clear and convincing case evidence and allowed themselves to be distracted by trivial, red herring delaying tactics while the vandalism proceeded.

Among these tactics was the completely unfounded accusation that reference to the evidentiary FERC document, was somehow proof that Plaintiff was suing FERC, not KRRC exclusively as the caption in the Heading specified! The Judges' entire final ruling was based solely on this kind of deceptive manipulation of administrative law, and irrelevant case law presented by the defense. They ignored all of the case facts and relevant Federal law. This is precisely the kind of judicial malfeasance that the 22-451 June 28th, 2024 Loper decision was/is meant to curtail. As an example, ECF 18 was untruthful, wrong use of federal law and wrong use of case law.

Plaintiff filed ECF 22 on 5/20/24 which proves ECF 18 was nonsense.

Then Judge Nelson with clear bias against Pro Se denied ECF 22 illegally.

05/22/2024	25	ORDER: Plaintiff's Motion, ECF 22 , is DENIED. Although plaintiff clarified in his motion that he is asking for his requested rulings "to be considered by the court at the appropriate time," his motion is, in essence, a motion for judgment on the pleadings. Pursuant to Federal Rule of Civil Procedure 12(c), such a motion is appropriately filed only "[a]fter the pleadings are closed[.]" Defendants have not filed an answer or other responsive pleading to plaintiff's complaint. Thus, the pleadings are not closed, and plaintiff's motion is procedurally inappropriate. Ordered by Judge Adrienne Nelson. (dsg) (Entered: 05/22/2024)
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Therefore, Plaintiff filed ECF 27 on 5/22/24 and fixed ECF 22

Also, what does "Defendants have not filed an answer or other responsive pleading to plaintiff's complaint? This makes the defendants legally default. The Judges accepted the illegal ECF 18 on 6/24/2024

By law, the Judges were required to dismiss ECF18. May 24 was the last day for Defendants to file anything and they missed the deadline. Thus, they were legally in default. ECF 70 and ECF 71 are therefore unlawful because of the default and also because those ECF's were nothing more than a rehearsal of trivial administrative law arguments designed by Defendants' legal counsel to obfuscate the facts of the case. This kind of legal manipulation is no longer permitted to override Federal law and The U.S. Constitution, by the Supreme Court's Loper decision.

This is a violation of:

22–451 June 28th, 2024 Loper Bright Enterprises v. Raimondo and Relentless, Inc. v. Department of Commerce.

https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf

18 U.S. Code § 4 - Misprision of felony

28 U.S. Code § 144 - Bias or prejudice of judge

Judges Code of Conduct, Canons 2 and 3;

<https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>.

Judicial Council of the Ninth Circuit

Case :1:24-CV-1301-MC Docket 24-6787

COMPLAINT OF JUDICIAL MISCONDUCT**United States Court of Appeals for the Ninth Circuit Office
of the Circuit Executive****P.O. Box 193939****San Francisco, CA 94119-3939**

34. Name of Complainant: _____ Dave White Pro Se

Contact Address: 18965 NW Illahe st

Portland, OR 97229

Daytime telephone: (503) 608-7611 _____

35. Name(s) of Judge(s): Judge McShane _____

Court: Portland Oregon Federal court _____

36. Does this complaint concern the behavior of the judge(s) in a particular lawsuit
or lawsuits?☒ Yes ☐ No

If "yes," give the following information about each lawsuit:

Court: _____

Case Number: 1:24-CV-1301-MC _____

Docket number of any appeal to the 9th_Circuit: 24-5811__

Are (were) you a party or lawyer in the lawsuit?

☒ Party ☐ Lawyer ☐ Neither

37. Have you filed any lawsuits against the judge?

☐ Yes

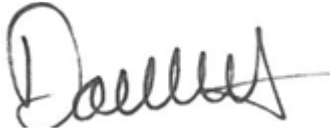
☒ No

9th circuit

38. **Brief Statement of Facts.** The Judge believed untruthful nonsense of Judge Russo and Nelson in KRRC's lawsuit See case docket report below. The case was illegally dismissed when the defendants were in default.

39. Acknowledgment, declaration and signature:

I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.



(Signature) _____

10/22/24
(Date)

40. The overriding, foundational complaint against Judge McShane is his failure to convene as an Article III, Section 2 Court of the U.S. Constitution. In violation of the recent Roper decision of the U.S. Supreme Court, he used administrative rules in an unlawful manner to excuse cherry-picked data and to override violation of Federal laws under the U.S. Constitution.

Plaintiff filed the case in federal court in Portland Oregon on August 8, 2024 and served the defendants with the complaint and Preliminary injunction. On August 26, 2024 Plaintiff filed a memorandum of ignored stakeholder testimony in the court docket and served the defendants. This document is the 2018 baseline FERC mitigation document which contained no less than 21 errors.

The final day for the defendants to file anything in the docket was 8/29/2024. However, defendants still have not filed anything in the case even though Plaintiff reminded them by email and phone many times.

Therefore, plaintiff filed ECF 8 for a default judgement and ECF 9 for a Summary judgement in the case on 9/1/2024. Legally these pleadings were without error.

Then on 9/17/24 Judge McShane illegally dismissed the case.

1
2 This is a violation of:

3
4 22–451 June 28th, 2024 Loper Bright Enterprises v. Raimondo and Relentless, Inc. v.
5 Department of Commerce. [https://www.supremecourt.gov/opinions/23pdf/22-](https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf)
6 [451_7m58.pdf](https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf)

7 18 U.S. Code § 4 - Misprision of felony

8 28 U.S. Code § 144 - Bias or prejudice of judge

9 Judges Code of Conduct, Canons 2 and 3; [https://www.uscourts.gov/judges-](https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges)
10 [judgeships/code-conduct-united-states-judges](https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges).

11 To summarize, Judge McShane is guilty of mismanaging a case involving senseless,
12 illegal destruction of 4 dams on the Klamath River. This judge ignored overwhelming
13 evidence of a crime in progress and refused to issue a stop-work injunction while the
14 case was being adjudicated. This has deprived local stakeholders of critical hydro-
15 electric power, irrigation water, flood control, property value, and forest fire
16 containment.

17 Judge McShane permitted Defendants to ignore basic principles of scientific method by
18 excluding overwhelming evidence of the harms being inflicted on man and environment
19 under FERC oversight. This came in the form of two public hearings in Klamath (OR)
20 and Yreka (CA) Counties. Stakeholder testimony was unanimous against removal of
21 the dams, with one doctor in particular reporting that his wife had died due to
22 Chromium poisoning from silt behind the dams and he was receiving a steady stream of
23 patients with similar symptoms. In spite of this, FERC allowed cherry-picked, ill-
24 informed, emotional testimony from upstream Native Americans to dominate and
25 determine the decision for dam removal. Judge McShane ignored and overruled all of
26 this testimony in his biased abuse of Administrative Law to support a political agenda.

27 A scientific survey of respondents in Yreka County revealed about 80% opposition to
28 dam removal. The extent of the danger was reported by an in-depth chemical
29 assessment of silt behind the Klamath dams conducted by the Department of the Interior
30 in 2011. That assessment found levels of Arsenic and Chromium 6 at a minimum of 40
31 times the EPA safe level for human exposure. FERC was apparently unaware of this
32 research because of a failure to perform adequate preliminary research. Judge McShane
33 allowed this criminal neglect to go unnoticed and unrequited in his unlawful ruling.

34 Unbelievably, FERC failed to require KRCC to scrub the silt of toxicity before release,
35 thus killing all aquatic life in 120 River miles between the Iron Gate Dam and the
36 Pacific Ocean. This has left both banks of the river permanently contaminated. Once

1 again, Judge McShane turned a blind eye to this Exxon-Valdez level environmental
2 disaster and annual flood damage projected at an average \$60,000,000. He allowed
3 trivial administrative procedure to completely blot out case facts screaming for justice.
4 Any such cherry-picking of evidence is unlawful under the Loper decision of the U.S.
5 Supreme Court.

6 Furthermore, Judge McShane ignored all evidence suggesting that there were far less
7 draconian solutions to alleged impedance of fish migration than removing the dams.
8 The dams are, in fact, to be preserved under Article 7 of the Wild and Scenic River Act.
9 If fish were in fact being blocked from reaching their spawning grounds, rather than
10 mindlessly ripping out the dams the simple and sane solution was/is to 1) dredge behind
11 the dams, 2) heat scrub the silt on-site, and 3) repair or install fish ladders. Plaintiff
12 repeatedly called attention to these common sense, scientific measures and the evidence,
13 but it was ignored, along with the 21 violations of law in the FERC mitigation document,
14 mentioned above. A Federal judge is required by law to consider all material evidence
15 in his ruling; which Judge McShane obviously did not do.

16 For example, KRRC failed to install fencing required by FERC, resulting in destruction
17 of herds of elk and confessed to killing 2000 fish without a permit, including
18 endangered species. Is a confession not decisive in a court of law? FERC as the
19 licensing agency is guilty as Accessory after the Fact. Here again, Judge McShane
20 ignored all this clear and convincing case evidence and allowed trivial, administrative
21 procedure to supersede unprecedented vandalism of public property and assault on the
22 environment.

23 In addition, rather than judging the case on its merits, Judge McShane relied in part on
24 an illegitimate decision in another distinct lawsuit against KRRC (now being appealed)
25 to dismiss the instant case on grounds that the two lawsuits were identical, or
26 "regurgitated" as he put it. In order to arrive at such a decision, the judge would have to
27 have not read one or both of the lawsuits in question.

28 The Judges' entire final ruling was based solely on this kind of deceptive abuse of
29 administrative law, which is trivial in light of the evidence of monumental crimes
30 committed that he swept under the proverbial rug. He ignored all of the case facts and
31 relevant Federal law. This is precisely the kind of judicial malfeasance that the 22-451
32 June 28th, 2024 Loper decision was/is meant to curtail.